

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROSEMARY DAVIS,

Petitioner,

v.

9:07-CV-1099

WILLIAM POWERS, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

ROSEMARY DAVIS
No. 05-G-0041
Albion Correctional Facility
3595 State School Road
Albion, New York 14411
Petitioner, *pro se*

HON. ANDREW M. CUOMO
Attorney General for the State
of New York
120 Broadway
New York, New York 10271
Counsel for Respondent

ALYSON J. GILL, ESQ.
THOMAS B. LITSKY, ESQ.
Assistant Attorneys General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 6th day of April 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

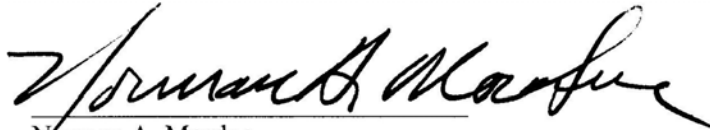
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The petition for a writ of habeas corpus is denied. Petitioner has failed to make a substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2); accordingly, no certificate of appealability shall issue.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: April 28, 2010
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge